
BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY

WASHINGTON BOROUGH COUNCIL MINUTES – January 7, 2020

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 7:00 P.M.

Roll Call: Conry, Cox, Duchemin, Noone, Norris, Valle and Higgins.

Also, Present: Matthew Hall, Manager
Laurie A. Barton Borough Clerk
Leslie Parikh, Attorney

Mayor Higgins led everyone in the flag salute.

Mayor Higgins read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law, 1975, Chapter 231’ have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.”

RESOLUTIONS

Motion made by Conry and seconded by Duchemin to approve Resolution 2020-01

ROLL CALL: Conry, Cox, Duchemin, Noone, Norris, Valle and Higgins.

Ayes: 7, Nays: 0
Motion carried

**RESOLUTION 2020-01
MEETING DATES
OFFICIAL NEWSPAPERS**

OPEN PUBLIC MEETINGS ACT

WHEREAS, pursuant to the Open Public Meetings Act, P.L. 1975, C.231, the Borough of Washington is required to file and post certain notices of public meetings of the Common Council of the Borough of Washington; and

WHEREAS, among the obligations imposed upon the Borough of Washington is the obligation to file the said notices with the newspaper of general circulation circulating in the Borough of Washington; and

WHEREAS, a schedule of regular meetings must be prepared, posted and filed within (7) seven days of the date of the annual reorganization meeting of the Common Council.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the Borough of Washington, County of Warren, State of New Jersey, that the **Star Gazette**, a newspaper published in Warren County, and circulating in the Borough of Washington and the **Express Times**, a newspaper published in the Town of Easton, be designated as the newspapers to which all notices of regular and special meetings of the Common Council shall be transmitted, pursuant to the provisions of the Open Public Meetings Act, P.L. 1975 C. 231.

BE IT FURTHER RESOLVED, by the Authority aforesaid that a copy of the attached **Schedule of 2020 Regular Meetings** be furnished to any member of the public requesting same, as required by the Open Public Meeting Act.

**SCHEDULE OF 2020 REGULAR MEETINGS
BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
Council Chambers - 7:00 pm**

REGULAR MEETINGS:

*January 7, 2020 (Reorganization Meeting)

*January 21, 2020 (Start time: 7:30 PM)

February 4, 2020

February 18, 2020

March 3, 2020

March 17, 2020

April 7, 2020

April 21, 2020

May 5, 2020

May 19, 2020

**June 16, 2020

(One meeting in June)

**July 07, 2020

(One meeting in July)

**August 4, 2020

(One meeting in August)

September 1, 2020

September 15, 2020

October 6, 2020

October 20, 2020

**November 10, 2020

(One meeting in November)

December 1, 2020

December 15, 2020

December 29, 2020 (Bill Pay Only)

Official Action May Be Taken

** One meeting

Any business that requires Council consideration and action at a particular meeting must be in the Borough Manager's or the Borough Clerk's office no later than the close of business on the Thursday preceding the meeting date. The Purchasing Agent is hereby authorized to contract with Atlantic Salt Company under the Morris County Co-Op to purchase salt for the Borough roads.

Motion made by Noone and seconded by Conry to approve Resolution 2020-02

ROLL CALL: Conry, Cox, Duchemin, Noone, Norris, Valle and Higgins.

Ayes: 7, Nays: 0

Motion carried

**RESOLUTION 2020-02
ESTABLISHING A CASH MANAGEMENT PLAN AND
NAMING OFFICIAL CASH DEPOSITORIES**

WHEREAS, N.J.S.A. 40A: 5-14 mandates that a Governing body of a municipal corporation shall, by resolution passed by a majority vote of the full membership thereof, designate as a depository for its monies a bank or trust company having its place of business in the state and organized under the laws of the United States or this state; and

WHEREAS, N.J.S.A. 40A: 5-15.1 amended by Chapter 148, P.L. 1997 established new requirements for the investment of public funds and adoption of a cash management plan for counties, municipalities and authorities; and

WHEREAS, the Borough Council of the Borough of Washington, County of Warren wish to comply with the above statutes;

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Washington, County of Warren adopts the following cash management plan, includes the official depositories for the Borough of Washington, County of Warren for the period January 1, 2020 through December 31, 2020.

**CASH MANAGEMENT PLAN OF THE
BOROUGH OF WASHINGTON,
COUNTY OF WARREN**

I. STATEMENT OF PURPOSE

This Cash Management Plan (the "Plan") is prepared pursuant to the provisions of N.J.S.A. 40A: 5-14 in order to set forth the basis for the deposits ("Deposits") and investment ("Permitted Investments") of certain public funds of the Borough of Washington, pending the use of such funds for the intended purposes. The Plan is intended to assure that all public funds identified herein are deposited in interest bearing Deposits or otherwise invested in Permitted Investments hereinafter referred to. The intent of the Plan is to provide that the decisions made with regard to the Deposits and the Permitted Investments will be done to insure the safety, the liquidity (regarding its availability for the intended purposes), and the maximum investment return within such limits. The Plan is intended to insure that any Deposit or Permitted Investment matures within the time period that approximates the prospective need for the funds deposited or invested so that there is not a risk to the market value of such Deposits or Permitted Investments.

**II. IDENTIFICATION OF FUNDS AND ACCOUNTS TO BE COVERED
BY THE PLAN**

- A. The plan is intended to cover all deposits and/or all investments of the funds of the Borough of Washington including but not limited to:

Current Fund
Payroll Trust Fund
Agency Account
Sewer Utility Revenue Account
Developers' Escrow Trust Funds
Open Space Accounts
General Capital Account
Sewer Capital Account
Regular Trust Accounts

III. DESIGNATION OF OFFICIALS AUTHORIZED TO MAKE DEPOSITS AND INVESTMENTS UNDER THE PLAN

The Chief Financial Officer (the "Designated Official") is hereby authorized and directed to deposit and/or invest the funds referred to in the Plan. Prior to making any such Deposits or any Permitted Investments, such officials of the Borough of Washington are directed to supply to all depositories or any other parties with whom the Deposits or Permitted Investments are made a written copy of this Plan which shall be acknowledged in writing by such parties and a copy of such acknowledgement kept on file with such officials.

The Chief Financial Officer is further authorized to make interfund transfers between the Borough Funds as may be necessary from time to time. The Chief Financial Officer is authorized to make such transfers and/or any and all payments by wire transfer as necessary.

IV. DESIGNATION OF DEPOSITORIES

The following banks and financial institutions are hereby designated as official depositories for the Deposit of all public funds referred to in the Plan, including any certificates of deposit which are not otherwise invested in Permitted Investments as provided for in this Plan:

TD Bank
Bank of America
PNC Bank
Wells Fargo
Investors Savings
The Depository Trust Company
Provident
Peapack Gladstone Bank
Money Market Investment Accounts and/or Certificates of Deposit
Unity Bank

All such depositories shall acknowledge in writing receipt of this Plan by sending a copy of such acknowledgement to the Designated Official(s) referred to in Section III above.

V. DESIGNATION OF BROKERAGE FIRMS AND DEALERS WITH WHOM THE DESIGNATED OFFICIALS MAY DEAL.

- B. The following brokerage firms and/or dealers and other institutions are hereby designated as firms with whom the Designated Official(s) of the Borough of Washington referred to in this Plan may

deal for purposes of buying and selling securities identified in this Plan as Permitted investments or otherwise providing for Deposits. All such brokerage firms and/or dealers shall acknowledge in writing receipt of this Plan by sending a copy of such acknowledgement to the Designated Official (s) referred to in Section III above.

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Bank of America
TD Bank
MBIA-Class Management Unit Trust
NJ ARM Program
NJ Cash Management Fund
PNC Bank
Valley National Bank
Millington Savings Bank
Provident
The Depository Trust Company
Investors Savings
Wells Fargo
Peapack Gladstone Bank
Unity Bank

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VI. AUTHORIZED INVESTMENTS

I. Except as otherwise specifically provided for herein, the Designated Official is hereby authorized to invest the public funds covered by this Plan, to the extent not otherwise held in Deposits, in the following Permitted Investments:

- (1) Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America;
- (2) Government money market mutual funds;
- (3) Any obligation that a federal agency or a federal instrumentality has issued in accordance with an act of Congress, which security has a maturity date not greater than 397 days from the date of purchase, provided that such obligation bears a fixed rate of interest not dependent on any index or other external factor;
- (4) Bonds or other obligations of the Local Unit or bonds or other obligations of the school districts of which the Local Unit is a part or within which the school district is located;
- (5) Bonds or other obligations, having a maturity date not more than 397 days from the date of purchase, approved by the Division of Investment of the Department of the Treasury for investment by Local Units;
- (6) Local government investment pools;
- (7) Deposits with the State of New Jersey Cash Management Fund established pursuant to section 1 of P.L.1977, ch. 281 (C.52: 18A-90.4); or
- J. (8) Agreements for the repurchase of fully collateralized securities if:
 - (a) The underlying securities are permitted investments pursuant to paragraphs (1) and (3) of this subsection a;
 - (b) The custody of collateral is transferred to a third party;
 - (c) The maturity of the agreement is not more than 30 days;

- (d) The underlying securities are purchased through a public depository as defined in section 1 of P.L. 1970, c.236 (C.17: 19-41); and
- K. (e) A master repurchase agreement providing for the custody and security of collateral is executed.

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For purposes of the above language, the terms “governmental money market mutual fund” and “local government investment pool” shall have the following definitions:

Government Money Market Mutual Fund

An investment company or investment trust:

- (a) Which is registered with the Securities and Exchange Commission under the “Investment Company Act of 1940,” 15 USC sec. 80a-1 et seq., and operated in accordance with 17 CFR sec. 270.2a-7.
- (b) The portfolio of which is limited to U.S. Government securities that meet the definition of any eligible security pursuant to 17 C.F.R. sec 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities; and
- (c) Which has:
 - (1) Attained the highest ranking or the highest letter and numerical rating of a nationally recognized statistical rating organization; or
 - (2) Retained an investment advisor registered or exempt from registration with the Securities and Exchange Commission pursuant to the “Investment Advisors Act of 1940,” 15 U.S.C. sec 80b-1 et seq., with experience investing in U.S. Government securities for at least the most recent past 60 months and with assets under management in excess of \$500 million.

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Local Government Investment Pool

An investment pool:

- (a) Which is managed in accordance with 17 C.F.R. sec 270.2a-7;
- (b) Which is rated in the highest category by a nationally recognized statistical rating organization;
- (c) Which is limited to U.S. Government securities that meet the definition of an eligible security pursuant to 17 C.F.R. sec. 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities;
- (d) Which is in compliance with rules adopted pursuant to the “Administrative Procedure Act,” P.L. 1968, c.410 (c.52: 14B-1 et seq.) by the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, which rules shall provide for disclosure and reporting requirements and other provisions deemed necessary by the board to provide for the safety, liquidity and yield of the investment;
- (e) Which does not permit investments in instruments that: are subject to high price volatility with changing market conditions; cannot reasonably be expected at the time of

interest rate adjustment, to have a market value that approximates their par value, or net asset value; and

- (f) Which purchases and redeems investments directly from the issuer, government money market mutual fund, or the State of New Jersey Cash Management fund, or through the use of a National or State bank located within this State, or through a broker-dealer which, at the time of purchase or redemption, has been registered continuously for a period of at least two years pursuant to section 9 of P.L. 1967 c.9 (C49: 3-56) and has at least \$25 million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in the U.S. Government securities and reports daily to the Federal Reserve Bank of New York its position in and borrowing on such U.S. Government Securities.

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VII. SAFEKEEPING CUSTODY PAYMENT AND ACKNOWLEDGEMENT OF RECEIPT OF PLAN.

- BB. To the extent that any Deposit or Permitted Investment involves a document or security which is not physically held by the Borough of Washington, then such instrument or security shall be covered by a custodial agreement with an independent third party, which shall be a bank or financial institution in the State of New Jersey. Such institution shall provide for the designation of such investments in the name of the Borough of Washington to assure that there is no unauthorized use of the funds or the Permitted Investments that involve Securities shall be executed by a “delivery versus payment” method to insure that such Permitted Investments are either received by the Borough of Washington or by a third party custodian prior to or upon the release of the Borough of Washington’s funds.

CC.

To assure that all parties with whom the Borough of Washington deals either by way of Deposits or Permitted Investments are aware of the authority and the limits sets forth in the Plan, all such parties shall be supplied with a copy of this Plan in writing and all such parties shall acknowledge the receipt of that Plan in writing, a copy of which shall be on file with the Designated Official(s)

REPORTING REQUIREMENTS

- DD. At the public meeting of each month during which this Plan is in effect, the Designated Official(s) referred to in Section III hereof shall supply to the governing body of the Borough of Washington a written report of any Deposits or Permitted Investments made pursuant to this Plan, which shall include, at a minimum, the following information:
 - A. The name of any institution holding funds of the Borough of Washington as a Deposit or a Permitted Investment.
 - B. The amount of securities or Deposits purchased or sold during the immediately preceding month.
 - C. The class or type of securities purchased or Deposits made.
 - D. The book value of such Deposits or Permitted Investments.

- E. The earned income on such Deposits or permitted Investments. To the extent that such amounts are actually earned at maturity, this report shall provide an accrual of such earnings during the immediately preceding month.
- F. The fees incurred to undertake such Deposits or Permitted Investments.
- G. The market value of all Deposits or Permitted Investments as of the end of the immediately preceding month.
- H. All other information which may be deemed reasonable from time to time by the governing body of the Borough of Washington.

VIII. TERM OF THE PLAN

EE. This plan shall be effective January 1, 2020 through December 31, 2020. The Plan may be amended from time to time as necessary.

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To the extent that any amendment is adopted by the Borough Council, the Designated Official is directed to supply copies of the amendments to all of the parties who otherwise have received the copy of the originally approved Plan, which amendment shall be acknowledged in writing in the same manner as the original Plan was so acknowledged.

Motion made by Noone and seconded by Conry to approve Resolution 2020-03

ROLL CALL: Conry, Cox, Duchemin, Noone, Norris, Valle and Higgins.

Ayes: 7, Nays: 0
Motion carried

**RESOLUTION 2020-03
INTEREST RATES- TAXES
N.J.S.A. 54:4-67:39**

WHEREAS, municipal charges; namely taxes are payable in quarterly installments on **February 1st, May 1st, August 1st and November 1st** in each year, and installments become delinquent if not paid on or before those dates.

BE IT THEREFORE RESOLVED, that Council does hereby authorize an interest charge not to exceed eight (8%) percent per annum on the first \$1,500.00 of the delinquency and eighteen (18%) percent per annum on any amount in excess of \$1,500.00 upon all delinquent installments; and

BE IT ALSO RESOLVED, that Council does hereby authorize a penalty to be charged to a taxpayer with a delinquency in excess of \$10,000.00 who fails to pay that delinquency prior to the end of the calendar year. The penalty so fixed shall not exceed six (6) percent of the amount of the delinquency; and

BE IT ALSO RESOLVED, that the Tax Collector authorized to cancel any balance under \$10; and

BE IT FURTHER RESOLVED, that any installments received after the expiration of the grace period, and such grace period shall be the period starting with the second day and ending on the ten (10th) day of the month in which taxes are due, shall bear interest at the applicable interest rate from the original due date.

BE IT FURTHER RESOLVED, that the Tax Collector of the Borough of Washington is hereby authorized to conduct the annual sale of delinquent municipal charges; namely taxes for the Calendar Year of 2020.

Motion made by Valle and seconded by Conry to approve Resolution 2020-04

ROLL CALL: Conry, Cox, Duchemin, Noone, Norris, Valle and Higgins.

Ayes: 7, Nays: 0

Motion carried

RESOLUTION 2020-04
GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
“Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment
Decisions Under Title VII of the Civil Rights Act of 1964”

FORM OF RESOLUTION

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit’s hiring practices comply with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,” *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the *Borough Council* of the *Borough of Washington*, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit’s hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

Motion made by Conry and seconded by Valle to approve Resolution 2020-05

ROLL CALL: Conry, Cox, Duchemin, Noone, Norris, Valle and Higgins.

Ayes: 7, Nays: 0

Motion carried

RESOLUTION 2020-05
APPOINTMENT OF QUALIFIED PURCHASING AGENT ROSE WITT AS PUBLIC AGENCY COMPLIANCE OFFICER

WHEREAS, N.J.A.C. 17:27-1.1 provides that no public works contracts can be awarded nor any monies paid until the prospective contractor has agreed to contract performance which complies with an approved affirmative action program; and

WHEREAS, N.J.A.C 17:27-3.5 provides that each public agency shall designate an officer or employee to serve as its public agency compliance officer.

WHEREAS, The Borough of Washington has appointed a Qualified Purchasing Agent and has the desire to change the Public Agency Compliance Officers to Rose Witt

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Washington, County of Warren State of New Jersey that the Qualified Purchasing Agent Rose Witt be appointed as the Public Agency Compliance Officer.

Motion made by Conry and seconded by Noone to approve Resolution 2020-06

ROLL CALL: Conry, Cox, Duchemin, Noone, Norris, Valle and Higgins.

Ayes: 6, Nays: 0 Abstain: 1(Higgins)

Motion carried

RESOLUTION 2020-06
RESOLUTION OF THE BOROUGH OF WASHINGTON APPOINTING MEMBERS TO THE LOCAL EMERGENCY PLANNING COUNCIL (LEPC)

WHEREAS, pursuant to N.J.S.A. App. A:9-33 et seq. (Chapter 251 P.L. 1942, as amended by Chapter 438, P.L. 1953) each municipality shall appoint a Local Emergency Planning Council (LEPC); and

WHEREAS, the local Office of Emergency Management Coordinator shall serve as Chairman of the aforesaid Council; and

WHEREAS, the local Deputy Office of Emergency Management Coordinator shall serve as Vice Chairman of the aforesaid Council;

BE IT RESOLVED by the Borough Council of the Borough of Washington that the following individuals are hereby appointed to the Local Emergency Planning Council for the year 2020:

- Joseph Fox, Borough of Washington OEM Coordinator (Chair)
- Matthew C. Hall, Borough of Washington Deputy OEM Coordinator (Vice Chair)
- Thomas Cicerelle, Washington Township Chief of Police
- Jonathan James, Borough of Washington Department of Public Works Supervisor
- Kevin Shoudt, Borough of Washington Wastewater Treatment Plant Project Manager
- Dirk Higgins, Washington Fire Department Chief
- Matthew Lopez, Borough of Washington Fire Official

BE IT FURTHER RESOLVED that the Local Emergency Planning Council meetings will coincide with regular quarterly staff meetings of the Borough of Washington

Motion made by Conry and seconded by Cox to approve Resolution 2020-07

ROLL CALL: Conry, Cox, Duchemin, Noone, Norris, Valle and Higgins.

Ayes: 6, Nays: 0 Abstain: 1(Higgins)

Motion carried

RESOLUTION 2020-07

A RESOLUTION OF THE BOROUGH OF WASHINGTON ACCEPTING A GRANT FROM THE NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY FOR EMERGENCY MANAGEMENT PURPOSES

WHEREAS, the Borough of Washington has applied for and has been awarded a grant in the amount of \$10,000 from the Emergency Management Agency Assistance Subaward Program (EMAA); and

WHEREAS, the aforementioned grant is referenced herein by subaward number FY19-EMPG-EMAA-2121 for the subaward period from July, 1 2019 through June 30, 2020; and

WHEREAS, the Borough Council of the Borough of Washington hereby authorizes and accepts the subaward; and

WHEREAS, the funds shall be utilized for enhancement of emergency management and emergency preparedness;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Washington that the above referenced grant is hereby accepted and the Borough Manager is hereby authorized to execute grant documents as an authorized representative thereunder, as the representative for the Borough of Washington;

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the New Jersey Department of Law and Public Safety.

Motion made by Noone and seconded by Conry to approve Resolution 2020-08

ROLL CALL: Conry, Cox, Duchemin, Noone, Norris, Valle and Higgins.

Ayes: 7, Nays: 0

Motion carried

RESOLUTION 2020-08

**RESOLUTION AUTHORIZING 2020 PROFESSIONAL SERVICES CONTRACT WITH
RICHARD CONLEY FOR TAX APPEAL ATTORNEY SERVICES**

WHEREAS, the Borough Council of the Borough of Washington has a need to contract the services of a Tax Appeal Attorney as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and

WHEREAS, the Purchasing Agent has certified that the costs of this contract may or will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one (1) year or at the discretion of the Borough Council; and

WHEREAS, for budgetary purposes, the Borough Council of the Borough of Washington would like to have this contract reflect a not to exceed amount of the 2020 adopted budget amount, excluding any escrow related services and;

WHEREAS, Richard M. Conley, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Richard M. Conley, LLC has not made any reportable contributions to a political or candidate committee in the Borough of Washington in the previous one year, and that the contract will prohibit Richard M. Conley, LLC from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer will certify to the Borough Clerk the availability of funds on an as-needed basis at the time when the Borough needs the services provided by Richard M. Conley, LLC.

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Washington to enter into a contract with Richard M. Conley, LLC as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that notice of this appointment will be published as required by law within ten days of the passage of this resolution; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Chief Financial Officer and Richard M. Conley, LLC.

Motion made by Noone and seconded by Conry to approve Resolution 2020-09

ROLL CALL: Conry, Cox, Duchemin, Noone, Norris, Valle and Higgins.

Ayes: 7, Nays: 0

Motion carried

RESOLUTION 2020-09

RESOLUTION APPOINTING MATTHEW C. HALL AND SUSAN TURNER AS MUNICIPAL RECYCLING COORDINATOR/CLEAN COMMUNITIES COORDINATOR AND DEPUTY MUNICIPAL RECYCLING COORDINATOR/DEPUTY CLEAN COMMUNITIES COORDINATOR, RESPECTIVELY

WHEREAS, pursuant to N.J.S.A. 13:1E et. seq, all municipalities must designate a Municipal Recycling Coordinator as well as a Clean Communities Coordinator; and

WHEREAS, N.J.S.A. 13:1E also provides for a Deputy Municipal Recycling Coordinator, and Deputy Clean Communities Coordinator to be appointed; and

WHEREAS, the foregoing appointments shall be for one (1) calendar year, expiring on December 31 of each year; and

WHEREAS, the administration of these programs beautifies the Borough, educate the public about proper recycling and solid waste disposal practices, and provide much needed revenue to the Borough via Clean Communities and Recycling Tonnage Grants; and

WHEREAS, Matthew C. Hall serves as the appointed Borough of Washington representative to the Warren County Solid Waste Advisory Council; and

WHEREAS, Susan Turner assists Matthew C. Hall in the administration of Clean Communities programs, Recycling Tonnage Grant reporting, and all other matters related to solid waste disposal and recycling, including, but not limited to, education, awareness, and reporting;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey that Matthew C. Hall be appointed Clean Communities Coordinator and Municipal Recycling Coordinator through December 31, 2020.

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey that Susan Turner be appointed Deputy Clean Communities Coordinator and Deputy Municipal Recycling Coordinator through December 31, 2020.

Motion made by Conry and seconded by Duchemin to approve Resolution 2020-10

ROLL CALL: Conry, Cox, Duchemin, Noone, Norris, Valle and Higgins.

Ayes: 7, Nays: 0

Motion carried

RESOLUTION 2020-10
RESOLUTION AUTHORIZING 2020 PROFESSIONAL SERVICES CONTRACT WITH
HAWKINS, DELAFIED & WOOD FOR MUNICIPAL BOND ATTORNEY SERVICES

WHEREAS, the Borough Council of the Borough of Washington has a need to contract the services of a Municipal Attorney as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and

WHEREAS, the Purchasing Agent has certified that the costs of this contract may or will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one (1) year or at the discretion of the Borough Council; and

WHEREAS, for budgetary purposes, the Borough Council of the Borough of Washington would like to have this contract reflect a not to exceed amount of the 2020 adopted budget amount, excluding any escrow related services and;

WHEREAS, Hawkins, Delafied & Wood has completed and submitted a Business Entity Disclosure Certification which certifies that Hawkins, Delafied & Wood has not made any reportable contributions to a political or candidate committee in the Borough of Washington in the previous one year, and that the contract will prohibit Hawkins, Delafied & Wood from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer will certify to the Borough Clerk the availability of funds on an as-needed basis at the time when the Borough needs the services provided by Hawkins, Delafied & Wood; and

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Washington to enter into a contract with Hawkins, Delafied & Wood as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that notice of this appointment will be published as required by law within ten days of the passage of this resolution; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Chief Financial Officer and Hawkins, Delafied & Wood

Motion made by Noone and seconded by Conry to approve Resolution 2020-11

ROLL CALL: Conry, Cox, Duchemin, Noone, Norris, Valle and Higgins.

Ayes: 7, Nays: 0

Motion carried

RESOLUTION 2020-11

RESOLUTION AUTHORIZING 2020 PROFESSIONAL SERVICES CONTRACT WITH
GEBHARDT & KIEFER FOR MUNICIPAL ATTORNEY SERVICES

WHEREAS, the Borough Council of the Borough of Washington has a need to contract the services of a Municipal Attorney as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and

WHEREAS, the Purchasing Agent has certified that the costs of this contract may or will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one (1) year or at the discretion of the Borough Council; and

WHEREAS, for budgetary purposes, the Borough Council of the Borough of Washington would like to have this contract reflect a *not-to-exceed* amount of the 2020 adopted budget amount, excluding any escrow related services and;

WHEREAS, Richard P. Cushing has completed and submitted a Business Entity Disclosure Certification which certifies that Gebhardt & Kiefer has not made any reportable contributions to a political or candidate committee in the Borough of Washington in the previous one year, and that the contract will prohibit Gebhardt & Kiefer from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer will certify to the Borough Clerk the availability of funds on an as-needed basis at the time when the Borough needs the services provided by Gebhardt & Kiefer Law Offices

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Washington to enter into a contract with Gebhardt & Kiefer Law Offices as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that notice of this appointment will be published as required by law within ten days of the passage of this resolution; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Chief Financial Officer and Gebhardt & Kiefer Law Offices.

Motion made by Noone and seconded by Duchemin to approve Resolution 2020-12

ROLL CALL: Conry, Cox, Duchemin, Noone, Norris, Valle and Higgins.

Ayes: 7, Nays: 0

Motion carried

RESOLUTION 2020-12

RESOLUTION AUTHORIZING 2020 PROFESSIONAL SERVICES CONTRACT WITH (HGA) HEYER GRUEL & ASSOCIATES PROFESSIONAL SERVICE FOR GENERAL MUNICIPAL PLANNING CONSULTANTS

WHEREAS, the Borough Council of the Borough of Washington has a need to contract the services of a Municipal Attorney as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and

WHEREAS, the Purchasing Agent has certified that the costs of this contract may or will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one (1) year or at the discretion of the Borough Council; and

WHEREAS, for budgetary purposes, the Borough Council of the Borough of Washington would like to have this contract reflect a *not-to-exceed* amount of the 2020 adopted budget amount, excluding any escrow related services and;

WHEREAS, (HGA) Heyer Gruel & Associates has completed and submitted a Business Entity Disclosure Certification which certifies that has not made any reportable contributions to a political or candidate committee in the Borough of Washington in the previous one year, and that the contract will prohibit (HGA) Heyer Gruel & Associates from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer will certify to the Borough Clerk the availability of funds on an as-needed basis at the time when the Borough needs the services provided by CP Professional Service Engineers

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Washington to enter into a contract with (HGA) Heyer Gruel & Associates as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that notice of this appointment will be published as required by law within ten days of the passage of this resolution; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Chief Financial Officer and (HGA) Heyer Gruel & Associates.

Motion made by Conry and seconded by Cox to approve Resolution 2020-13

ROLL CALL: Conry, Cox, Duchemin, Noone, Norris, Valle and Higgins.

Ayes: 7, Nays: 0

Motion carried

RESOLUTION 2020-13

RESOLUTION AUTHORIZING 2020 PROFESSIONAL SERVICES CONTRACT WITH FERRAILOLO, WIELKOTZ, CERULLO & CUVA FOR MUNICIPAL AUDITING SERVICES

WHEREAS, the Borough Council of the Borough of Washington has a need to contract the services of a Municipal Auditing Service as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and

WHEREAS, the Purchasing Agent has certified that the costs of this contract may or will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one (1) year or at the discretion of the Borough Council; and

WHEREAS, for budgetary purposes, the Borough Council of the Borough of Washington would like to have this contract reflect a *not-to-exceed* amount of the 2020 adopted budget amount, excluding any escrow related services and;

WHEREAS, Ferraiolo, Wielkotz, Cerullo & Cuva has completed and submitted a Business Entity Disclosure Certification which certifies that Ferraiolo, Wielkotz, Cerullo & Cuva has not made any reportable contributions to a political or candidate committee in the Borough of Washington in the previous one year, and that the contract will prohibit Ferraiolo, Wielkotz, Cerullo & Cuva from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer will certify to the Borough Clerk the availability of funds on an as-needed basis at the time when the Borough needs the services provided by Ferraiolo, Wielkotz, Cerullo & Cuva

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Washington to enter into a contract with Ferraiolo, Wielkotz, Cerullo & Cuva as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that notice of this appointment will be published as required by law within ten days of the passage of this resolution; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Chief Financial Officer and Ferraiolo, Wielkotz, Cerullo & Cuva.

Motion made by Valle and seconded by Conry to approve Resolution 2020-14

ROLL CALL: Conry, Cox, Duchemin, Noone, Norris, Valle and Higgins.

Ayes: 7, Nays: 0

Motion carried

RESOLUTION 2020-14

RESOLUTION AUTHORIZING THE TAX ASSESSOR AND LEGAL COUNSEL OF THE BOROUGH OF WASHINGTON TO FILE AND PROSECUTE ANY AND ALL TAX APPEALS BEFORE THE WARREN COUNTY BOARD OF TAXATION AND THE TAX COURT OF NEW JERSEY

WHEREAS, the County Tax Board has issued a ruling requiring a Resolution by the Mayor and Council of each and every municipality in Warren County through their Administrator, Melissa Pritchett, CTA; and

WHEREAS, said Administrator requires that the Mayor and Council of each municipality in the County of Warren adopt a Resolution to authorize the Assessor of the municipality and their legal

counsel to file and prosecute any and all tax appeals before the Warren County Board of Taxation.

NOW, THEREFORE, BE IT RESOLVED, that Craig Brotons, CTA, Assessor of the Borough of Washington, County of Warren and State of New Jersey, and Richard M. Conley, Esq., Special Counsel for the Borough of Washington, County of Warren and State of New Jersey are hereby authorized to file, prosecute, stipulate, modify, agree upon and otherwise perform the duties which are required of said Assessor and Attorney, in the process of prosecution and/or filing of said Tax Appeals, within the jurisdiction of the Warren County Board of Taxation of the Tax Court of New Jersey.

Motion made by Conry and seconded by Duchemin to approve Resolution 2020-15

ROLL CALL: Conry, Cox, Duchemin, Noone, Norris, Valle and Higgins.

Ayes: 7, Nays: 0

Motion carried

RESOLUTION 2020-15

**A RESOLUTION PROVIDING FOR TEMPORARY CURRENT
FUND APPROPRIATIONS**

WHEREAS, N.J.S.A. 40A: 4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2020 Budget, temporary appropriations should be made for the purpose and amount required in the manner and time therein provided; and

WHEREAS, the date of this resolution is within the first thirty days of January, 2020; and

WHEREAS, the total temporary appropriations in the 2020 budget, exclusive of any appropriations made for interest, and debt redemption charges, grants and capital improvements, is the sum of \$1,663,242.72; and

WHEREAS, 26.25% of the total appropriations in the 2019 Budget, exclusive of any appropriation made for interest and debt redemption charges, grants and capital improvements in said 2019 Budget is the sum of \$1,839,277.05

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey do hereby make the following temporary appropriations per the attached:

TOTAL APPROPRIATIONS WITHIN 26.25% LIMITATION	\$1,663,242.72
TOTAL CAPITAL AND DEBT SERVICE	\$1,141,462.00
TOTAL ALL TEMPORARY APPROPRIATIONS:	\$2,804,704.72

Motion made by Noone and seconded by Conry to approve Resolution 2020-16

ROLL CALL: Conry, Cox, Duchemin, Noone, Norris, Valle and Higgins.

Ayes: 7, Nays: 0

Motion carried

RESOLUTION 2020-16

A RESOLUTION PROVIDING FOR TEMPORARY SEWER UTILITY APPROPRIATIONS

WHEREAS, N.J.S.A. 40A: 4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2020 Budget, temporary appropriations should be made for the purpose and amount required in the manner and time therein provided; and

WHEREAS, the date of this resolution is within the first thirty days of January, 2020; and

WHEREAS, the total temporary appropriations in the 2020 sewer utility budget, exclusive of any appropriations made for interest, and debt redemption charges, grants and capital improvements, is the sum of \$418,500.00; and

WHEREAS, 26.25% of the total appropriations in the 2019 Budget, exclusive of any appropriation made for interest and debt redemption charges, grants and capital improvements in said 2019 Budget is the sum of \$575,019.38

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey do hereby make the following temporary appropriations per the attached:

TOTAL APPROPRIATIONS WITHIN 26.25% LIMITATION	\$418,500.00
DEBT SERVICE	\$83,340.00
TOTAL ALL TEMPORARY APPROPRIATIONS:	\$501,840.00

Motion made by Noone and seconded by Duchemin to approve Resolution 2020-17

ROLL CALL: Conry, Cox, Duchemin, Noone, Norris, Valle and Higgins.

Ayes: 7, Nays: 0

Motion carried

RESOLUTION 2020-17

A RESOLUTION AUTHORIZING THE ADJUSTMENT OF A BOROUGH'S SEWER SERVICE CHARGE DUE TO FIRE DAMAGED PROPERTY

WHEREAS, according to the Treasurer's records, a borough property was subject to fire damage on November 11, 2019. As a result of the damage, the TNT Laundromat and Sherwin Williams are closed until repairs can be done and approved for occupancy and;

WHEREAS, the quarterly sewer invoices were being billed without interruption, to the damaged properties; and

WHEREAS, the Borough Treasurer's office needs to adjust the sewer utility billing until the businesses are approved for occupancy and reopened.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Borough Treasurer is authorized to temporarily discontinue the sewer billing on TNT Laundry's account #731-0 and reduce the EDU charges on Star Plaza's account #720-1 from 15 to 14 EDU's for Sherwin Williams.

<u>BLOCK/LOT</u>	<u>PROPERTY OWNER/ PROPERTY LOCATION</u>	<u>ACCOUNT #'s</u>
23/4	Etienne Properties LLC 26 West Washington Ave.	720-1 731-0

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Borough Treasurer is authorized to adjust sewer billing on the above property locations.

Motion made by Conry and seconded by Duchemin to approve Resolution 2020-18

ROLL CALL: Conry, Cox, Duchemin, Noone, Norris, Valle and Higgins.

Ayes: 7, Nays: 0
Motion carried

RESOLUTION 2020-18

RESOLUTION AUTHORIZING 2020 PROFESSIONAL SERVICES CONTRACT WITH CP PROFESSIONAL SERVICE ENGINEERS FOR MUNICIPAL WASTEWATER ENGINEERING SERVICES

WHEREAS, the Borough Council of the Borough of Washington has a need to contract the services of a Municipal Attorney as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and

WHEREAS, the Purchasing Agent has certified that the costs of this contract may or will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one (1) year or at the discretion of the Borough Council; and

WHEREAS, for budgetary purposes, the Borough Council of the Borough of Washington would like to have this contract reflect a not to exceed amount of the 2019 adopted budget amount, excluding any escrow related services and;

WHEREAS, CP Professional Service Engineers has completed and submitted a Business Entity Disclosure Certification which certifies that CP Professional Service Engineers has not made any reportable contributions to a political or candidate committee in the Borough of Washington in the previous one year, and that the contract will prohibit CP Professional Service Engineers from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer will certify to the Borough Clerk the availability of funds on an as-needed basis at the time when the Borough needs the services provided by CP Professional Service Engineers

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Washington to enter into a contract with PC Professional Service Engineers as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that notice of this appointment will be published as required by law within ten days of the passage of this resolution; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Chief Financial Officer and CP Professional Service Engineers

Motion made by Conry and seconded by Noone to approve Resolution 2020-19

ROLL CALL: Conry, Cox, Duchemin, Noone, Norris, Valle and Higgins.

Ayes: 7, Nays: 0
Motion carried

RESOLUTION 2020-19

RESOLUTION FOR THE BOROUGH OF WASHINGTON, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A SHARED SERVICE AGREEMENT BETWEEN THE TOWNSHIP OF OXFORD AND WITH THE BOROUGH OF WASHINGTON FOR CHIEF FINANCIAL OFFICER SERVICES

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq. (the "Act"), authorizes local units of this State to enter into agreements with any other local unit or units to provide or receive any shared service that each local unit participating in the agreement is empowered to provide or receive in its own jurisdiction; and

WHEREAS, there is a vacancy in the position of Chief Financial Officer ("CFO") for the Township of Oxford due to the resignation, without advance notice, of the Township's prior CFO, which abrupt resignation has resulted in an emergency situation due to the lack of an authorized CFO to process the Township's financial matters including, but not limited to, payroll; and

WHEREAS, Washington Borough desires to contract with the Township of Oxford for the furnishing of the services of a CFO; and

WHEREAS, Washington Borough will provide to Oxford its Chief Financial Officer to fulfill all duties of Chief Financial Officer pursuant to N.J.S.A. 40A:9-140.10 and as prescribed in the Code of Oxford Township; and

WHEREAS, the Township of Oxford shall pay to Washington Borough a monthly sum of \$2,916.67, payable in four (4) quarterly payments of \$8,750.00; and

WHEREAS, the Township of Oxford adopted the agreement attached hereto via **Resolution 2020-01a**;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Oxford, County of Warren and State of New Jersey as follows:

1. The Township Committee is hereby authorized and directed to execute the attached Shared Services Agreement with the Borough of Washington for Chief Financial Officer Services.
2. A copy of the Agreement shall be filed with the Township Clerk and shall be open for public inspection at the Township Municipal Building upon adoption of this Resolution.
3. The Agreement shall take effect on January 1, 2020 and shall run for a period of four (4) years, expiring on December 31, 2024.
4. A copy of the Agreement shall be sent to the State of New Jersey, Division of Local Government Services in the Department of Community Affairs.
5. This Resolution shall take effect immediately upon adoption according to law.

Motion made by Conry and seconded by Duchemin to approve Resolution 2020-20

ROLL CALL: Conry, Cox, Duchemin, Noone, Norris, Valle and Higgins.

Ayes: 7, Nays: 0

Motion carried

**RESOLUTION 2019-20
BOROUGH OF WASHINGTON
COUNTY OF WARREN**

RESOLUTION ACKNOWLEDGING LITIGATION AND CLARIFYING THE STATUS OF THE AGREEMENT BETWEEN THE BOROUGH OF WASHINGTON AND TOWNSHIP OF OXFORD FOR THE SHARED SERVICES OF A PUBLIC ADMINISTRATOR, REGISTERED MUNICIPAL CLERK, DEPUTY CLERK AND LOCAL REGISTRAR

WHEREAS, pursuant to Common Sense Shared Services Pilot Program Act, N.J.S.A. 40A:65-4.1 et seq., the Borough of Washington and the Township of Oxford, both pilot municipalities, entered into an Agreement for the shared services of a Municipal Clerk, Registrar, Deputy Clerk and Public Administrator; and

WHEREAS, the Agreement became effective on January 1, 2020; and

WHEREAS, on or about December 20, 2019, a Verified Complaint and Order to Show Cause seeking temporary and preliminary restraints was filed on behalf of Plaintiff, Sheila Oberly, Oxford Township's current clerk, in the Superior Court of New Jersey, Warren County Law Division bearing docket number WRN-L-000412-19; and

WHEREAS, on December 24, 2019, oral argument was held with regard to the imposition of temporary restraints before the Honorable Thomas C. Miller, P.J. Cv.; and

WHEREAS, as a result of argument, the Honorable Thomas C. Miller, P.J. Cv., issued Order(s) dated December 24, 2019 and December 27, 2019, temporarily restraining the Township of Oxford and the Borough of Washington from taking any action under the Agreement which would "eliminate Plaintiff's position as Municipal Clerk for the Township of Oxford" or "effect Plaintiff's position or compensation as Municipal Clerk for the Township of Oxford"; and

WHEREAS, notwithstanding the aforesaid Orders, the Borough of Washington and Township of Oxford are desirous to continue with the sharing of Public Administrator services pursuant to the Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington that unless and until further action is taken, the Agreement for the provision of Shared Services between the Borough of Washington and the Township of Oxford will remain in full force and effect with regard to the services of Public Administrator; and

BE IT FURTHER RESOLVED that, as set forth in the Agreement between the Borough of Washington and the Township of Oxford, and unless and until further action is taken, Oxford shall pay to Washington Borough, a monthly sum of \$3,888.89, for the services of the Public Administrator.

ORDINANCE-1st Reading

Motion made by Noone and seconded by Conry to approve Ordinance 2020-01 on first reading with a public hearing scheduled for February 4, 2020.

ROLL CALL: Conry, Cox, Duchemin, Noone, Norris, Valle and Higgins.

Ayes: 6, Nays: 1(Cox)

Motion carried

ORDINANCE 2020-01

ORDINANCE AMENDING ACCESSEE AND SIGN EASEMENTS OVER A PORTION OF PROPERTY OWNED BY THE BOROUGH OF WASHINGTON IDENTIFIED AS BLOCK 26, LOT 10

WHEREAS, the Borough of Washington (the "Borough") is the owner of certain property identified as Block 26, Lot 10 on the Borough of Washington Tax Maps; and

WHEREAS, Block 26, Lot 10 is a vacant strip of land along Route 31 that is not needed for any public purposes; and

WHEREAS, Washington 31, LLC is under contract to purchase adjacent properties identified as Block 26, Lots 5, 6, 7, and 8 on the Borough of Washington Tax Maps; and

WHEREAS, Washington 31, LLC has approvals from the Borough Land Use Board to merge and redevelop the afore-mentioned lots as a retail pharmacy; and

WHEREAS, the afore-mentioned lots do not have frontage on Route 31, which Washington 31, LLC has advised is essential for the success of the proposed redevelopment; and

WHEREAS, the Borough previously granted Washington 31, LLC an access easement over Block 26, Lot 10 permitting the construction of a driveway to access the proposed CVS Pharmacy pursuant to Ordinance 2019-08 adopted on April 16, 2019; and

WHEREAS, the Borough previously granted Washington 31, LLC sign easement over Block 26, Lot 10 permitting the construction of a directional sign pursuant to Ordinance 2019-13 adopted on June 18, 2019; and

WHEREAS, Washington 31, LLC has requested revisions to the aforementioned easements requiring the adoption of this ordinance; and

WHEREAS, N.J.S.A. 40A:12-1 permits the conveyance of an interest in land note needed for a public purpose; and

WHEREAS, the public's interest in Block 26, Lot 10 is not affected by the granting of a sign easement; and

WHEREAS, the Borough believes it is in the best interest of its residents to grant such easements because it furthers the purposes of the Downtown Redevelopment Plan and increases the value of Block 26, Lots 5, 6, 7, and 8, resulting in an increased tax assessment and tax revenue; and

NOW THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Washington, County of Warren, State of New Jersey as follows:

SECTION 1. The Borough of Washington is hereby authorized to enter into an access and sign easement over a portion of Block 26, Lot 10, owned by the Borough, in a form substantially similar to that attached hereto as **Exhibit A**.

SECTION 2. The Mayor and Borough Clerk are hereby authorized to execute all documents necessary for the conveyance of such easement.

SECTION 3. The land subject to the proposed easement is not needed for public purpose and it is determined to be in the best interests of the Borough of Washington to permit such easement.

SECTION 4: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 5: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

SECTION 6: This ordinance shall take effect after second reading and publication as required by Law.

MAYORS APPOINTMENTS

Land Use Board

Councilwoman Valle was appointed as Council Liaison to the Land Use Board for a term of one year, expiring December 31, 2020. Motion made by Noone and seconded by Cox to approve the appointment of Cynthia Valle; all were in favor.

Shade Tree

Katherine Halpern-4-year term. Motion made by Noone and seconded by Valle to approve the appointment of Katherine Halpern, all were in favor.

Recreation

Spencer Nicholson-Regular Appointment. Motion made by Noone and seconded by Conry to approve the appoint of Spencer Nicholson, all were in favor.

Craig Coughlin-Regular Appointment. Motion made by Duchemin and seconded by Conry to approve the appoint of Craig Coughlin, all were in favor.

Green Team

Elizabeth Dowd: Term 01/07/2020-12/31/22

Katie Mills: Term: 01/07/2020-12/31/22

Gary Pohorely: Term: 01/07/2020-12/31/22

Bob Valinski : Term: 01/07/2020-12/31/22

Suzi Marr Term: 01/07/2020-12/31/22

Motion made by Conry and seconded by Duchemin to approve the Green Team appointments; all were in favor.

Mayor Higgins appointed Councilwoman Noone as liaison to the BID.

COUNCIL APPEARANCE

Lt. Kaufman, Washington Township Police Department, gave a summary of a request regarding shootings in the county.

Mel Thiel, BID Executive Director, gave a report on upcoming events for the year.

Hearing no further public input, motion made by Conry and seconded by Cox to close the audience portion.

Ayes: 7 Nays: 0
Motion Carried.

COUNCIL REMARKS

Councilwoman Cox gave the following remarks:

- Wished everyone had a nice New Year.
- Expressed pleasure in having Lt. Kaufman at the meetings.
- Appreciating Dave in all his help.

Councilwoman Noone gave the following remarks:

- Wished everyone a Happy New Year.
- Upcoming events:
 - A new paint and sip event will be held on February 8th
 - April 18th will be Country Line Dancing.
 - June 13th bus trip to Winterthur Museum, which is located near Longwood Gardens.

Councilman Norris gave the following remarks:

- Wished everyone a Happy New Year.
- Winter weather is coming and everyone needs to get their cars off the streets.

Councilwoman Valle gave the following remarks:

- Happy to see the barricades are gone from the downtown streets.
- Issues with the turning signal and the pedestrian walking signal, timing is off.
- Sad to hear about the recent fire in the borough.
- Borough is moving in the right direction and hoping it's a great year.

Councilwoman Duchemin stated the following:

- Happy New Year to everyone.
- Excited about upcoming events in the borough.
- More Stigma Free events hopefully coming up.

Deputy Mayor Conry gave the following remarks:

- Wished everyone a Happy New Year
- Meetings are still being held last Friday of each month for the seniors.

Mayor Higgins gave the following remarks:

- DOT moved the stop line for the fire trucks.

EXECUTIVE SESSION

A motion was made by Noone seconded by Conry to approve a resolution authorizing Executive Session for the purpose of discussing contract negotiations and litigation.

Ayes: 7 Nays: 0
Motion Carried.

RESOLUTION **AUTHORIZING EXECUTIVE SESSION**

WHEREAS, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

WHEREAS, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

WHEREAS, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

_____A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public

(Provision relied upon: _____);

_____A matter where the release of information would impair a right to receive funds from the federal government;

_____A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

_____A collective bargaining agreement, or the terms and conditions thereof (Specify contract: _____);

_____A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed; Real Estate Acquisitions

_____Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____Investigations of violations or possible violations of the law;

X Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is: _____ The public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

_____ Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: _____

_____ OR _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

 X Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: _____ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

_____ Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

BE IT FURTHER RESOLVED that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Borough Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion.

BE IT FURTHER RESOLVED that the Mayor and Council, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

Motion

Motion was made by Conry seconded by Valle to come out of Executive Session at 8:05 pm.

Ayes: 7; Nays: 0
Motion Carried.

ADJOURNMENT

Hearing no further business, a motion was made by Noone seconded by Cox to adjourn the meeting at 8:05 pm.

Ayes: 7; Nays: 0
Motion Carried.

Mayor David Higgins

Laurie A. Barton, Borough Clerk